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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

PETER BAKICH,

Defendant and Appellant.

F060088

(Super. Ct. Nos. VCF228398 &
VCF227376)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Darryl B. Ferguson, Judge.

John F. Schuck, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Kane, Acting P.J., Poochigian, J., and Franson, J.

STATEMENT OF THE CASE

On December 21, 2009, appellant, Peter Bakich, was charged in an information filed in Case No. VCF227376 with possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a), count one) and misdemeanor resisting arrest (Pen. Code, § 148, subd. (a)(1), count two).¹ The complaint alleged three prior prison term enhancements (§ 667.5, subd. (b)) and two prior serious felony convictions for first degree burglary (§ 459) within the meaning of the three strikes law (§§ 667, subds. (b)-(i) & 1170.12, subds. (a)-(i)).

On December 21, 2009, appellant was charged in an information filed in Case No. VCF228398 with felony evasion of a peace officer (Veh. Code, § 2800.2, subd. (a), count one), possession of methamphetamine (count two), two misdemeanor counts of resisting arrest (counts three and four), and misdemeanor assault on a police dog (§ 600, subd. (a), count five). The same prior prison term enhancements and prior serious felony convictions alleged in the earlier case were also alleged.

On February 10, 2010, appellant entered into a plea agreement in which he would admit counts one and two in Case No. VCF227376, all of the allegations in Case No. VCF228398, one three strikes allegation, and the three prior prison term enhancements. In return for his plea, appellant would receive a lid prison sentence of 11 years 8 months. The court explained and appellant waived his constitutional rights pursuant to *Boykin/Tahl*.² The court advised appellant of the consequences of his plea.³ The parties stipulated to a factual basis of the plea. Appellant pled no contest to counts one and two

¹ Unless otherwise designated, all statutory references are to the Penal Code.

² *Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122.

³ Appellant also admitted misdemeanor allegations in two unrelated actions.

in Case No. VCF227376, no contest to the allegations in Case No. VCF228398, admitted three prior prison term enhancements, and admitted one prior serious felony conviction.

On March 9, 2010, the trial court sentenced appellant to the upper term of three years, doubled to six years under the three strikes law, for felony evasion. In each case, the court sentenced appellant to a term of one year four months for each possession of methamphetamine count. The court also sentenced appellant to one year in prison for each prior prison term enhancement. Appellant's total prison term is 11 years 8 months. The court granted applicable custody credits.⁴ Appellant filed a timely notice of appeal, obtaining a certificate of probable cause.

FACTS

Case No. VCF227376 was filed after appellant was observed by officers riding a bicycle without lighting equipment and carrying two chainsaws at 2:36 a.m. on February 18, 2009. An officer identified himself and asked appellant to stop. Appellant ignored the officer's commands and continued riding his bicycle. Appellant abandoned his bicycle and was found hiding in a nearby backyard. Appellant was found in possession of methamphetamine.

Case No. VCF228398 was filed after an officer observed appellant driving down the street at 6:55 a.m. on October 13, 2009. The officer recognized appellant because appellant had fled from law enforcement officers the day before in an unrelated offense. When the officer attempted to initiate a traffic stop, appellant ignored the lights and sirens and sped through several traffic lights. An officer with a K9 partner followed appellant until he drove onto a large canal embankment. Appellant jumped out of the car

⁴ Because appellant admitted a prior conviction for first degree burglary, a serious felony pursuant to section 1192.7, subdivision (c)(18), he is not entitled to additional custody credits under the January 25, 2010 amendment to section 4019 even if it determined that such credits may be applied retroactively.

and fled on foot. The K9 chased and collided with appellant, who began to punch the K9 in the head and grab its snout. Appellant eventually submitted to arrest. Appellant was transported to the hospital and was found in possession of methamphetamine.

APPELLATE COURT REVIEW

Appellant's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that appellant was advised he could file his own brief with this court. By letter on September 21, 2010, we invited appellant to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The judgment is affirmed.